

Sec. 13-713. Home occupations.

(a) *Purpose and intent.* Home occupations that are not so insubstantial or incidental, or that are not so commonly associated with the residential use as to be regarded a residential accessory use (see section 13-364) are permissible as special uses where indicated by use 2.700 on Table 13-362A. It is the purpose of this section to recognize the need within Sumter County for reasonable latitude in allowing citizens to pursue economic goals as accessory uses to residential usage. However, it is also the intent of this section to recognize the potential for adverse impact on neighboring properties by such activities.

(b) *Character of use.*

(1) The primary use of property on which a home occupation is conducted shall be as the permanent residence for all participants in the home occupation. The use of a dwelling or premises for the home occupation shall be clearly secondary and subordinate to its use for residential purposes.

(2) Any negative impact of the home occupation on the appearance of the subject parcel and surrounding neighborhood shall be minimized by proper maintenance of all buildings, other structures, and grounds in an orderly and neat appearance.

(3) One sign, not to exceed ten (10) square feet in area and without illumination, shall be allowed.

(c) *Location and parcel size.*

(1) Home occupations shall only be located on parcels fronting on roadways within the state or county maintained system.

(2) Due to the typical density of development in recorded and unrecorded subdivisions of record, the following minimum requirements shall apply thereto:

a. In the R2, R2C, R4, R4C, R6 and R6C zones, all activities of the home occupation must be inside the residential structure.

b. In the RR1, RR1C, RR2.5 and RR2.5C zones, all activities must be within an enclosed structure. For purposes of this section, an enclosed structure is defined as one with all walls, windows, and doors in place.

- (3) In addition to subsections (1) and (2), the appropriateness of a home occupation use in terms of location and parcel size shall be determined by the planning and zoning commission. The planning and zoning commission shall examine:
- a. The size, location and nature of the subject and surrounding properties.
 - b. The size, type and nature of the servicing roadway,
 - c. The potential for impact on surrounding properties,
 - d. The practical effectiveness of mitigation techniques.
 - e. Any other circumstances which are relevant to the placement of the specific use applied for.
- (d) *Participants.* Only persons who maintain a permanent residence on the same parcel where the home occupation is conducted shall participate in the home occupation. Employment or use of persons not residing on the property is expressly prohibited.
- (e) *Traffic generation.* Traffic generated by the proposed use must not negatively impact the safety and ambiance of the neighborhood. The increase to existing traffic created by the home occupation shall not exceed ten (10) trips per day or five (5) percent, whichever is greater. For purposes of this section, the assumption is that each residential site generates approximately six (6) trips per day (each exit from or entrance onto the property equals one trip).
- (f) *Neighborhood impact.* The use must be conducted to minimize adverse impact on the surrounding neighborhood. Without limiting the generality of the foregoing, the following shall be observed:
- (1) Outdoor display of goods is prohibited.
 - (2) The total gross area used in the conduct of the home occupation (residence, accessory structures and outside storage areas) shall not exceed the lesser of five (5) percent of the parcel's area or five thousand (5,000) sq. ft.
 - (3) Any storage of materials or goods shall be inside of a fully enclosed building where practical. Where outside storage is required due to size requirements, that storage area shall be fully

enclosed by durable, one hundred (100) percent opaque materials to a height sufficient to completely screen the stored items. This screening shall be maintained in good repair and appearance at all times.

- (4) All equipment, tools and processes used in the conduct of the home occupation must be maintained in proper working order to minimize noise, fumes, dust, odor, vibration, glare, or electrical interference.
- (5) Any accessory structures or areas used in the conduct of the home occupation must be maintained in good repair and appearance at all times.
- (6) Where activities in a partially enclosed building or outdoor activities (including storage areas) are conducted as part of the home occupation, a setback of two hundred (200) feet from any off-site residence shall be maintained. The planning and zoning commission may increase or reduce this setback for good cause shown.
- (7) Where the home occupation is conducted totally within a fully enclosed building, the setbacks of the zoning classification of the subject property shall apply, unless the potential for adverse impacts upon neighboring property exists. If such is the case, the planning and zoning commission shall determine the setbacks required.
- (8) The conduct of the home occupation shall be limited to 8:00 A.M. to 6:00 P.M., Mondays through Fridays exclusive of holidays recognized and observed by the county commission. The planning and zoning commission may alter or extend these days and hours for good cause shown. This restriction applies not only to the opening of the business to the public, but also to any activities associated with the home occupation, except for passive activities such as bookkeeping, sewing, painting and other similar art work.
- (g) *Approval.*
 - (1) Applications for home occupations may only be made by the owner/occupier whose permanent residence is on the subject parcel.
 - (2) The primary responsibility of the planning and zoning commission shall be in protecting the interests of the surrounding neighborhood from unreasonable adverse impacts of uses proposed by the applicant,

such as, but not necessarily all inclusive, noise, traffic, unsightly property and general aesthetics. To grant approval, the planning and zoning commission must determine that the proposed use can be conducted without such impact on surrounding residents. To this end the planning and zoning commission shall, when necessary, attach additional appropriate conditions and restrictions, such as setbacks, buffering, screening and hours of operation, to an approval to accomplish compatibility. If the planning and zoning commission determines that unreasonable adverse impacts cannot be prevented by the use of mitigation techniques, it shall deny the application.

- (3) If, upon operation of the special exception use, the applicant refuses to implement any of the required conditions and restrictions, the planning and zoning commission may, after due process, take action to suspend or revoke the special exception home occupation
- (4) Approval for the conduct of a home occupation applies only to the applicant(s). The approval specifically does not run with the property and is personal to the applicant(s) only. Upon sale of the property, death of the owner, other absence or cessation of the home occupation for a period of eighteen (18) months, the special exception shall be null and void without further action by the county.
- (5) Approval will be rendered only for a specific use. There is no implied approval for related uses or other home occupation uses. Any change from the type of usage specifically approved will require a new application.
- (6) No vested rights are created by the grant of approval for the conduct of a home occupation. The construction of accessory buildings, screening, fencing, or other improvements does not act to vest any rights for the conduct of the approved home occupation. These costs are expressly held to be a risk assumed by the applicant.
- (7) All final orders and conditions attached thereto approving an application for home occupation shall be recorded in the official records of the Sumter County clerk's office.
- (h) *Exempt uses.*

- (1) Home occupations which meet the following criteria shall be exempt from the requirements of this section, including special exception approval:
 - a. The home occupation must be conducted entirely within the enclosed living area portion of a residence.
 - b. No sign advertising the home occupation may be placed on the property.
 - c. No advertising, other than business cards, may be done which contains the physical location of the home occupation, and
 - d. Any increase in traffic to the property, that is attributable to the home occupation, shall be limited to two (2) trips (1 trip to and 1 trip from the premises) per day.

(i) *Prohibited uses.*

- (1) The following is a non-exhaustive list of examples of enterprises that are prohibited as home occupations:
 - a. Auto body repair and painting.
 - b. Salvage and recycling yards.
 - c. Any activity involving the storage, processing or use of hazardous materials.
 - d. Major appliance repair that involves repair, display, or storage of parts or equipment outside of a fully enclosed building.
 - e. Retail food and beverage sales, vegetable and juice stands.
 - f. Truck terminals.

(Ord. No. 96-23, § 9, 12-16-96)